

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

CHARLES CARL,

)

Plaintiff,

)

v.

)

Case No.: 05-918-SLR

MBNA AMERICA BANK, N.A.,

)

Defendant.

)

PROPOSED SCHEDULING ORDER

This 4th day of August, 2006, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. Pre-Discovery Disclosures. The parties will exchange by August 11, 2006 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. Discovery.

(a) Discovery will be needed on the following subjects: how Plaintiff's employment ended and whether Defendant has any liability in connection with his separation from employment, the nature and extent of Plaintiff's medical conditions and disabilities, his treatments and medications, and the exact nature of Plaintiff's and/or his disability case worker's alleged requests for an accommodation.

(b) All discovery shall be commenced in time to be completed by February 23, 2007.

- (c) Maximum of 30 interrogatories by each party to any other party.
- (d) Maximum of 30 requests for admission by each party to any other party.
- (e) Maximum of 10 depositions by plaintiff and 10 depositions by defendant.
- (f) Each deposition other than of the parties will be limited to a maximum of 7 hours on the record unless extended by agreement of parties or by leave of Court.
- (g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by October 15, 2006. Rebuttal expert reports due by December 22, 2006.
- (h) Discovery Disputes. Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to two (2) Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. Joinder of other Parties, Amendment of Pleadings, and Class Certification. All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before August 11, 2006.

4. Settlement Conference. Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyne for the purposes of exploring ADR.

5. Summary Judgment Motions. All summary judgment motions shall be served and filed with an opening brief on or before March 23, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than ten (10) days from the above date without leave of the court.

6. Applications by Motion. Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. Any non-dispositive motion shall contain the statement required by D.Del. LR 7.1.1.

7. Motions in Limine. All motions in limine shall be filed on or before *August 9, 2007.* ~~two weeks before pretrial conference.~~ All responses to said motions shall be filed on or *August 16, 2007.* ~~before one week before pretrial conference.~~

8. Pretrial Conference. A pretrial conference will be held on 9/6/07 at 4:30 p.m. in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. Trial. This matter is scheduled for a jury trial commencing on 9/17/07 in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties

- should plan on being allocated a total number of hours in which to present their respective cases.

/s/ Gary W. Aber

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DATED: July 28, 2006

SO ORDERED this 4th day of August, 2006

John J. Robman
United States District Judge